

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

No. 04 10293 JLT 3

ANTHONY P. RAYMOND

**MOTION TO STRIKE SURPLUSAGE FROM INDICTMENT**

The defendant moves to strike as surplusage from the indictment the entire contents of the unnumbered page following Count 3 of the indictment, entitled "Notice of Additional Factors".

The additional factors referred to are matters under the United States Guidelines that have been declared unconstitutional. See *United States v. Booker and Fanfan* U.S. (2005).

/s/Roger Witkin  
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BBO No. 531780

DATED: January 31, 2005

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V.

CRIMINAL NO. 04 79 LRC

ANTHONY P. RAYMOND

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the within document was served upon the attorney of record for the United States, AUSA Paul R. Moore, and a courtesy copy to Maria Simeone, Courtroom Clerk for Honorable Lawrence P. Cohen, United States Magistrate Judge by mail and electronic filing, which was e-filed this day.

/s/ Roger Witkin

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**DATE:** January 31, 2005